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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,353	11/27/2006	Franz Ulrich Brockhoff	07130.0007.PC/US00	3359
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HOWREY LLP - DC C/O IP DOCKETING DEPARTMENT 2941 FAIRVIEW PARK DR, SUITE 200 FALLS CHURCH, VA 22042-2924			EXAMINER BLACK, MELISSA ANN	
			ART UNIT	PAPER NUMBER
			3612	
			MAIL DATE	DELIVERY MODE
			12/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,353

Applicant(s)

BROCKHOFF ET AL.

Examiner

MELISSA A. BLACK

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to Amendments and remarks filed 06 August 2008. Claims 1-11 have been cancelled and new claims 12-19 are pending and rejected as set forth below.

Claim Objections

2. Claim 19 is objected to because of the following informalities: Last line "on" should be - -one- -. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 12- 16, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat # 6,824,194 to Weissmueller et al.

Re Claim 12, Weissmueller et al discloses a motor vehicle, comprising: a vehicular body having a front section and a rear section and at least two longitudinal sides; a retractable roof (2); a cover panel (4) in the rear section of the vehicular body, the cover panel (4) capable of moving in a first direction to allow the roof to be stored in the vehicular body and capable of moving in a second direction to allow luggage to be stored in the vehicular body; and a multi-link movement device provided on the longitudinal sides of the vehicular body and capable of moving the cover part in the first direction and the second direction, said multi- link movement device including a plurality of hinges (19, 20, 21, 22, 26, 27, 28, 12) which are movable to allow movement of the cover part in the first direction and the second direction, wherein at least one of the plurality of

hinges (12) is held in an idle state when the cover part is moved in the first direction and the second direction (see figures 4 and 6). Re Claim 13, Weissmueller et al discloses wherein the cover panel (4) is held only by the multi-link movement device when the cover part is moved in the first and second directions. Re Claim 14, Weissmueller discloses the multi-link movement device comprises a plurality of control arms (23, 24, 29, 30, and 17) for moving the cover panel (See figures). Re Claim 15, Weissmueller et al further discloses the plurality of arms include a first, second and third control arm (23, 17, 24), the first control arm being positioned between a first hinge and a second hinge, the second control arm being positioned between a third hinge and a fourth hinge, and the third control arm being positioned between the fourth hinge and a fifth hinge. Re Claim 16, wherein when the cover panel (see Figures 5 and 6) is moved in the second direction, the second control arm (17) is held in an idle state (Can be seen between figures 5 and 6). Claim 18 Weissmueller et al discloses the multi-link movement device further comprises at least one locking lever (18) for holding the third hinge and the fourth hinge in an idle state (See Figures 5 and 6). Re Claim 19 Weissmueller discloses the multi-link movement device further comprises a drive element (31) for moving the at least one locking lever (18).

Claim Rejections - 35 USC § 103

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat # 6,824,194 to Weissmueller et al.

Weissmueller et al fails to disclose when the cover panel is moved in the first direction, the fourth hinge is held in an idle state, but does disclose one of the hinges in the system being at an idle state, and it would have been obvious to one with ordinary skill in the art at the time the invention was made to change the pivot axis or use different linkages, for it is only routing skill in the art if the outcome is predictable.

Response to Arguments

7. Applicant's arguments filed August 26, 2008 have been fully considered but they are not persuasive. Claim 12 wherein one of the hinges is held idle, it can be seen in the figures that hinge 12 is held idle in both moving directions, and therefore Weissmueller et al reads on the New claim 12.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pat # 6,250,707 discloses a multilink system for a cover wherein one link is blocked during each operation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA A. BLACK whose telephone number is (571)272-4737. The examiner can normally be reached on M-F 7:00-3:30 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis H. Pedder/

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Primary Examiner, Art Unit 3612

/M. A. B./

Examiner, Art Unit 3612

12/9/2008